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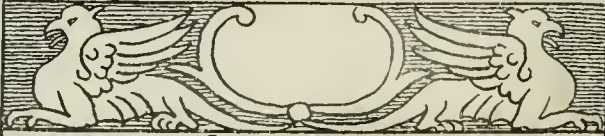
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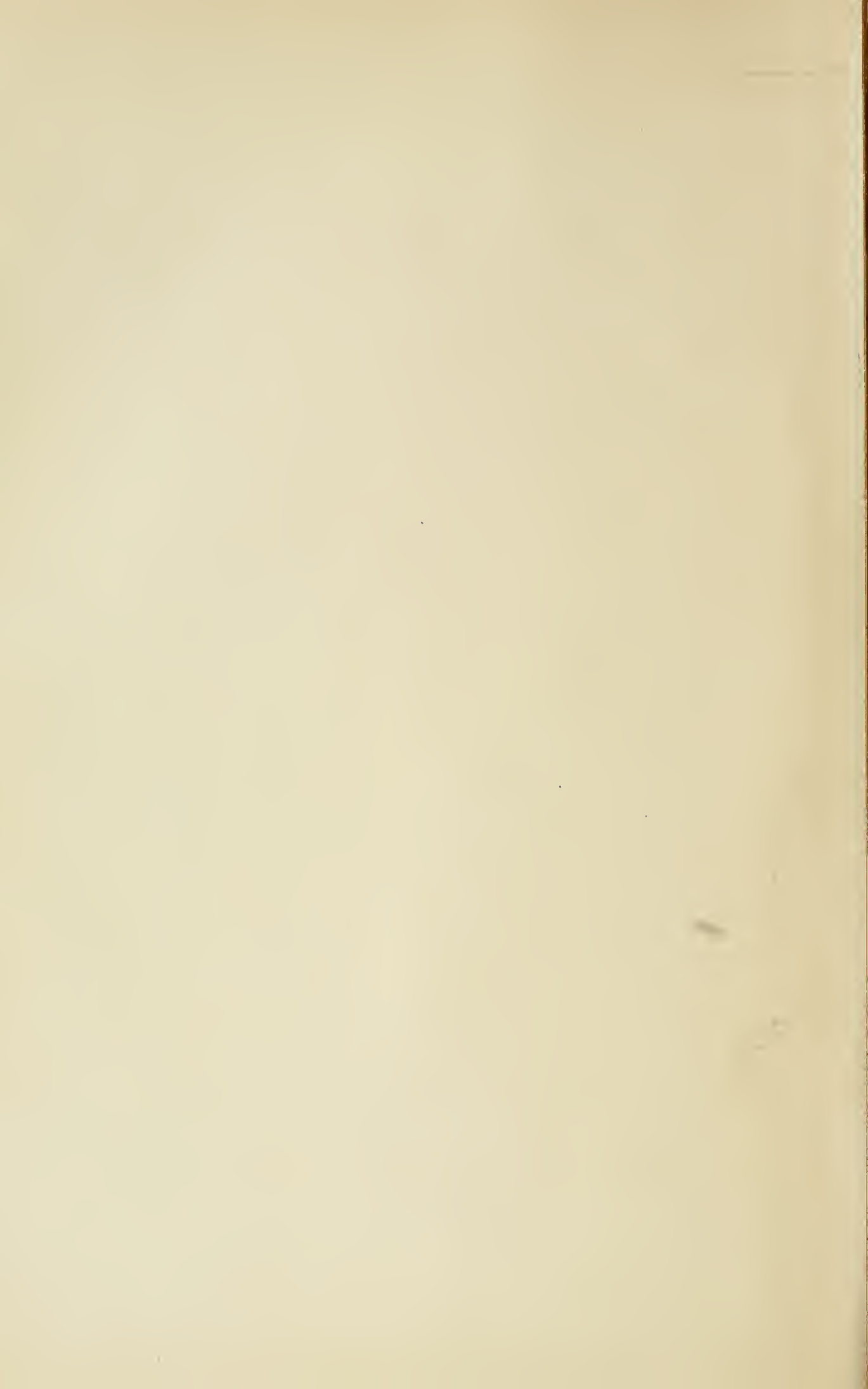
Lux ex Tenebris.



Claus Spreckels Fund.







# **IRREGULAR CHECKS**

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**PROBLEMS ARISING IN  
THE DAILY ROUTINE  
OF THE AVERAGE  
BANK ILLUSTRATED  
AND EXPLAINED.**



New York  
**American Institute of Bank Clerks**  
1904

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**AMERICAN INSTITUTE OF BANK CLERKS,**

Twenty-five Pine Street, New York.

# IRREGULAR CHECKS

PROBLEMS ARISING IN  
THE DAILY ROUTINE  
OF THE AVERAGE  
BANK ILLUSTRATED  
AND EXPLAINED.  



New York  
American Institute of Bank Clerks  
1904

HG 1691  
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SPRECKELS

Account Audit Co., New York.



# IRREGULAR CHECKS.

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IN response to the request of the American Institute of Bank Clerks, the Seaboard National Bank of New York has furnished for publication a series of irregular checks used in the examinations which have been a feature of this bank for several years. The problems involved in these checks are matters of judgment quite as much as matters of law and fact. The development of judgment is one of the features of the discipline for which the Seaboard Bank has become noted.

With the checks the officers of the bank have supplied answers to their own problems. The examinations have, up to the present time, been purely a matter of discipline within the bank. The officers of the Seaboard, however, are willing to furnish such facilities as they may have to further the work of education among bank employees, and at the request of the Institute submit the answers following as their personal interpretation of the problems involved in the checks under consideration. It is not assumed that the judgment of the Seaboard officials is any better than the judgment of the average of experienced and conservative bankers. The solutions of the various problems contained therein are given from what the Seaboard Bank considers the standpoint of safe and conservative banking, coupled with the desire to serve the interest of customers as far as possible, but, of course, for obvious reasons, cannot indicate the particular discretion that would be used in each individual case.

Under the Negotiable Instrument law of New York, which governs also in many other States, the paying bank has recourse to the Clearing House Bank to which it pays the money, and to all other indorsers, excepting only as to the drawer's signature, for which the paying bank is alone responsible. In the absence of restrictive indorsements, the collecting bank is absolutely liable for forgeries and all irregularities, even though its ordinary Clearing House stamp should not appear on the check, as it has been held that the fact of the demand and acceptance of payment by a bank carries with it an applied warranty of the genuineness of the instrument in all respects, excepting, as above stated, as to the signature of the drawer. From this condition of the law, regarding the liability of indorsers, it may be seen that wide discretion may be used by the paying bank in regard to irregular indorsements. Many of these irregularities will be found upon examination to be perfectly innocent and would not in any way invalidate the instrument in which they appear.

For example, in check No. 5, Mary Sharp and Mrs. J. O. Sharp are in all probability identical; at any rate, the Second National Bank, with whom she negotiates the check, should be in a position to know whether or not she is Mrs. J. O. Sharp, and it would be reasonably safe to presume that they knew Mary Sharp to be the person for whom the money was intended. The paying bank has to consider here the annoyance and probable inconvenience to which the wife of its customer will be subjected by a return of the check for this apparent irregularity of indorsement; and, as regards the amount, they will consider that the sum involved is only \$3. and may deem it best, perhaps, if the larger sum were demanded to pay it subject to adjustment through the indorsers, or through the maker. And so on through the list, as each problem is reached, thoughtful discretion is required to answer properly the question, "Should this check be paid," this matter of discretion, of course, being something apart from and far broader in its scope than the question of the irregularities of the various checks under examination, which irregularities it is a part of the bank clerk's education to know how to detect and weigh.

## CHECK No. 1.

*Face.*—First National Bank, McGregor, Texas: Pay to the order of Steamer Starboard (\$2,000) Two Thousand Dollars. James Goat, Cashier. To Seaboard National Bank, New York City. *Indorsement.*—Pay to Jenkins & Co., Steamer Starboard, Jno. McMaster, Captain; Pay to Hooker, Fur & Co., Jenkins & Co., Hooker, Kerr & Co., 18th National Bank, New York.

“Pay to” does not forbid the further negotiation of the instrument, and, according to the New York Negotiable Instrument law, it is a proper indorsement. As regards the indorsement, “Steamer Starbuck, John McMaster, Captain,” the question arises as to the authority of the captain to indorse for the steamer. My understanding of the law is that the captain of a vessel in a foreign port has full authority to act for the owners. It is customary to make all payments of freight to the master or captain of the vessel when in a foreign port; if he were in his home port it would be different, as the agent would be the only one authorized to indorse for the steamer. As regards the indorsement “Hooker, Kerr & Co.,” for “Hooker, Fur & Co.,” the same is irregular on its face, and should either be corrected by Jenkins & Co. to read “Hooker, Fur & Co.,” or a guarantee of the indorsement should be requested of the Eighteenth National Bank. As a matter of law, this check can be paid, and recourse can be had to the Eighteenth National Bank for all irregularities, as there are no restrictive indorsements upon it. As a matter of custom, however, and to enable previous indorsers to protect themselves, it is better to draw attention to any irregularities and ask for guarantee or correction.



4076  
First National Bank.  
Mt. Greer, Texas.

No. 10

Mt. Greer, Texas 1/23 1900

Pay to the order of *Steamer Starboard* \$2000.00  
*Mr. C. Howard* 001

To SEABOARD NATIONAL BANK,  
NEW YORK CITY.  
*James Stewart*  
STEWART  
STEWARTS LITHO & ENG CO ST LOUIS  
2nd & VINE STS  
Buckley

2-1901

Pay to  
*Jenkins Co*  
*Steamer Starboard*  
*Mr. McMaster*  
*Captain*  
Pay to  
*Hooker Fur Co*  
*Jenkins Co*  
*Hooker, Kent Co*  
*18th Nat Bank*  
*New York*

**CHECK No. 2.**

*Face.*—The Creston National Bank, Dayton, Ohio: Pay to the order of Julien Gorsuch (\$75) Seventy-five Dollars, in full for all claims to date. J. T. Henley, Cashier. To Seaboard National Bank, New York, N. Y. *Indorsement.*—Julien Gorsuch, Astor National Bank.

This check may be paid, and the bank is not bound to take any notice of the clause "in full for all claims to date." As an authority puts it: "Any points arising out of it are between the maker and payee, and it may be said that the weight of authority is, if the check so written is in payment of an undisputed account, that it does not operate as payment unless the check is for the full amount of the debt; while if it is offered in payment of a disputed account and it is retained, it operates as payment, even if the amount it calls for is less than the amount claimed;" and that the affixing to the indorsement of the name of the city in which the Astor National Bank is situated is immaterial.



Julien Grosch  
Astor Nat Bank

**The Chestnut Hill Bank.**

*INCORPORATED*

*Pay to the order of* Dayton, Ohio *5/16/99* *Per 18*

*Albert J. Smith* *\$75.00/-*

*Original*

*TO SEABOARD NATIONAL BANK,*

*NEW YORK, N. Y.*

*STEPHEN LITTON, Cashier*

*2nd & VINE STS.*

**CHECK No. 3.**

*Face.*—The Seaboard National Bank of New York, New York: Pay to the order of James Bell, Sec'y, Twenty Dollars (20), William Henry, Treasurer. *Indorsement.*—Pay to Frank Jones, Howard Crawford, President; Frank Jones.

The question arises as to whether Howard Crawford is president of the same corporation of which James Bell is secretary. If the paying bank has the means of knowing that Howard Crawford and James Bell are authorized officers of the same company, or if they have the means of knowing that Howard Crawford, president, is an authorized officer of the same company of which William Henry is treasurer, they should pay this check, although there is an apparent irregularity. In the absence of any knowledge, it would be the proper thing to throw the check out for irregularity.

No. 4

New York

5/10 1899

**THE SEABOARD NATIONAL BANK**  
OF NEW YORK.

Pay to the order of

*James Bell City.*

*Twenty*

*00/100*

*William H. H. H.*

Dollars

Pay to  
Francis Jones  
Howard Crawford  
President  
Francis Jones.

**CHECK No. 4.**

*Face.*—The Seaboard National Bank, New York: Pay to the order of Jos. Hoskins Five Hundred Dollars (\$500). J. F. Thomas. *Indorsement.*—Pay to Seaboard National Bank, J. F. Thomas.

This indorsement is perfectly regular. J. F. Thomas, being the maker of the check, cancels his order upon the face of the check, and as the Seaboard National Bank, in the absence of acceptance or certification, is not liable to the payee, the bank may, without any risk, act on the maker's indorsement.



No. 8 NEW YORK, 2710 1901

THE SEABOARD NATIONAL BANK

PAY TO THE ORDER OF

John H. Thomas DOLLARS

\$ 500.00

ARTHUR HENNING CO. NEW YORK

J. F. Thomas

Pay to  
Seaboard Nat. Bk.  
J. F. Thomas

Check No. 4.

### CHECK No. 5.

*Face.*—The Seaboard National Bank of the City of New York, New York: Pay to the order of Mrs. J. O. Sharp (\$98) Ninety-five Dollars. J. O. Sharp. *Indorsement.*—Pay to 2d National Bank, Mary Sharp; 6th National Bank, New York.

As regards the amount : The writing upon the check governs. As regards the indorsement "Mary Sharp," instead of Mrs. J. O. Sharp : If Mary Sharp is known to the paying bank to be the wife of J. O. Sharp, the indorsement should be accepted. If such fact is not known, the check may be returned for irregularity, or the same may be overlooked and the paying bank may rely upon the right of recourse against the Sixth National Bank. As before stated, as a matter of custom, however, and to enable previous indorsers to protect themselves, it is better to draw attention to any irregularities and ask for guarantee or correction.

New York,

10/5 1899

No. 14

THE SEABOARD NATIONAL BANK

of the City of New York

PAY TO THE ORDER OF

Mrs. J. O. Chamber \$98.00/-

Dollars

PS: JAN 24 1900

J. O. Chamber

Pay to.  
2nd Nat Bank  
Mary Sharp  
6th Nat Bank  
New York

### CHECK No. 6.

*Face.*—The Seaboard National Bank, 18 Broadway, New York: Pay to the order of John Doe (\$5) Five Dollars. John F. Jones. *Indorsement.*—Pay to John Smith, John Doe; Pay to 1st National Bank, New York, for account John Smith, by Jones; 1st National Bank, New York.

This check is regular, with the exception of the indorsement, "for the account of John Smith, by Jones," which is a dangerous indorsement to handle without special guarantee from the collecting bank, as it forbids recourse to the First National Bank, it being under this indorsement merely an agent, and, after having paid the money over to John Smith, it could not be held for irregularities of indorsement, raising of amount, etc.



NEW YORK. 2710 1899 No. 2

THE SEABOARD NATIONAL BANK  
18 BROADWAY.

PAY TO THE ORDER OF:

Five - 00/100 John Doe \$ 5.00/100  
DOLLARS

AMOUNT IN FIGURES (\$)

John J. Jones

Pay to  
John Smith.  
John Doe

Pay to  
First Nat Bank  
N.Y.  
for account  
John Smith  
by Jones

First Nat Bank  
N.Y.



**CHECK No. 7.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of James Smith (\$80) Eighty Dollars. Harris & Jones. *Indorsement.*—Pay to Rogers' Express, Jas. Harris; Rogers' Express, Jas. Rogers, Manager; James Smith.

Indorsement "James Smth," instead of "James Smith," we assume to be an error, and a safe indorsement to pay. As regards the indorsement of "James Rogers, manager for Rogers' Express," evidence of authority of James Rogers should be required, or a guarantee of the indorsement by a responsible party.

New York 2710 1900 No. 6

**THE**  
**Seaboard National Bank,**  
OF THE CITY OF NEW YORK

Pay to the order of James Smith \$20.<sup>00</sup>

Twenty 20/100 Dollars

James Smith

ADDITIONAL INFORMATION

Pay to  
Rogers Express  
Gas Harris

Rogers Express  
Gas Rogers  
Manager

James Smith

### CHECK No. 8.

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of John H. Friday and W. E. Friday (\$1,000) One Thousand Dollars. Wm. Russel.  
*Indorsement.*—Jno. H. & W. E. Friday; Pay to John Block or order, Jas. Knight; J. Block, National City Bank, New York.

This check is not payable to John H. & W. E. Friday jointly, but to each individually, and should be so indorsed. The indorsement of "J. Block" is not technically correct. J. Block might be John, Joseph or James Block. To be in good form it should have been indorsed "John Block." The check being for \$1,000, it should, as a matter of courtesy to the collecting bank, be returned to them for guarantee.



New York, 3/22 1899 No. 16

THE SEABOARD NATIONAL BANK

of the City of New York.

PAY TO THE ORDER OF

*John H. Friday* \$1000-00/100

Dollars

E. VAN NOAN, 243 BROADWAY, N.Y.

*Wm. Michael*

*John H. Friday*  
Pay to  
*John Block*  
or order  
*Jas. Knight*  
*J. Block*  
*New City Bank*  
*New York*

**CHECK No. 9.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of John Doe Eight Dollars (\$8). Jas. Hoskins. *Indorsement.*—Pay to James Frank for collection account of John Doe; Frank James.

In the first place the indorsement of James Frank is missing and should be supplied before paying the check. The indorsement of John Doe being restrictive, the check should not be paid unless guaranteed by the Clearing House Bank.

Pay to  
James Fraus  
for Collection  
account of  
John Doe

Fraus James

No. 9  
 New York  
 2710  
 1899

The  
**Seaboard National Bank**  
 OF THE  
 CITY OF NEW YORK

Pay to the order of  
 John Doe  
 Eight-hundred  
 \$800.00  
 Dollars

James Fraus



**CHECK No. 10.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of Trinity Church Seventy (?) Dollars (\$70?). Wilbur Loomis. *Indorsement.*—Pay to Walter Thompkins; Frank Taylor, Trustee; Walter Thompkins, Frank Jones, S.

It is impossible to ascertain, either from the figures or the writing what is the correct amount of this check, and in the absence of any certification of the amount by the maker it should not be paid in the present form, although it may be paid without risk for \$20. As to the indorsement of "Frank Taylor, Trustee," there is nothing to indicate that he indorses on behalf of Trinity Church. But should it be known that he was a trustee of Trinity Church, it would be necessary to know that he had authority to transfer moneys. The indorsement of Walter Thompkins is correct, and, being in blank, would make the check payable to bearer in case the previous indorsement had been correct. The indorsement "Frank Jones, per S.," is immaterial.



Pay to  
Walter Tompkins  
Francis Taylor  
Trustee

Walter Tompkins  
Francis Jones  
P.

Countersigned.

J. J. Thomas

SEABOARD NATIONAL BANK  
OF THE CITY OF NEW YORK

Albany, N.Y. 5710 1900

Pay to the order of

Wm. J. Smith

Dollars

\$70.00

Wm. J. Smith

**CHECK No. II.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of United Wire Works (\$10) Ten Dollars. Jas. Smith. *Indorsement.*—Pay to the 1st National Bank, Brooklyn, N. Y.; United Wire Works, John Smith, part owner; 1st National Bank, New York.

The indorsement, United Wire Works, by John Smith, part owner, does not indicate anything definite as to the character of the United Wire Works. It may be a partnership, joint stock company or corporation for aught that appears by such indorsement. The indorsement is, therefore, irregular, and according to custom it should be returned to the indorsers for guarantee. As regards the indorsement of the First National Bank, which is missing, the same should be called to the attention of the bank presenting the same, for guarantee, so that it may protect itself. Of course, the bank on which the paper is drawn may rely upon its right of recourse against the First National Bank, which is the last indorser upon the paper without any guarantee, but it is customary to return a paper of this kind so as to call the irregularity to the attention of the last indorser, and give it an opportunity to take such measures for its protection as it may see fit.

No. 1 NEW YORK. 5/10 1900

**THE SEABOARD NATIONAL BANK**  
OF THE CITY OF NEW YORK.

PAY TO THE ORDER OF United Wire Works  
1000/ DOLLARS  
John Smith

Pay to 1st Nat Bk  
Brooklyn N.Y.  
United Wire Works  
John Smith  
part owner.

First Nat Bank  
New York

**CHECK No. 12.**

*Face.*—The Seaboard National Bank: Pay to the order of Geo. H. Glen Twenty Dollars (\$40). Jas. H. Shaw.  
*Indorsement.*—Pay to the 1st National Bank for Credit, Glen Shoe Company, by Geo. H. Glen; for deposit, Peter Du Bois; 1st National Bank.

This check should not be paid for more than \$20, which is the amount given in the body. These indorsements are contradictory. It could not have been for the credit of both the Glen Shoe Company and Peter Du Bois. It should be returned for rectification and the guarantee of the collecting bank.



New York 10/5 1899 No 12

THE  
Seaboard National Bank

Pay to the order of Geo. H. Glen \$40.00  
Dollars ——— Dollars

Geo. H. Glen

Making a copy of another copy of this is illegal.

Pay to 1st Nat Bank  
for credit  
Glen Shoe Co.  
by Geo. H. Glen  
For Deposit  
Peter DuBois

First Nat Bank

**CHECK No. 13.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of General U. S. Freed Three Thousand Five Hundred Dollars (\$3,500). H. E. Hamilton.

*Indorsement.*—Pay to Fred Dent, U. S. Freed; Harrison Blunt, Frederick Dent; 1st National Bank, New York.

The indorsement "U. S. Freed" is perfectly correct, as the title is not necessary, although the check should not be paid on account of the missing indorsement of Harrison Blunt.



No. 11

NEW YORK

5/10 1899

**THE SEABOARD NATIONAL BANK**

OF THE CITY OF NEW YORK

PAY TO THE ORDER OF

*Charles M. D. Freed*

*Thirty-five hundred and 00/100* DOLLARS

*358000/100*

*Three hundred and 00/100*

Pay to  
*Fred Dent*  
*U.S. Freed*

Pay to  
*Harrison*  
*Blunt*

*Fredk Dent*

*First Nat BK*  
*N.Y.*

**CHECK No. 14.**

*Face.*—Pay to the order of Bearer Three Hundred Thirty-five Dollars (\$335). Acme Soap Company. John Gleason, Pt., to the Seaboard National Bank, New York, N. Y.  
*Indorsement.*—William Hitt; Pay to the order of Sam Slick, F. Meyer; West Side Bank, New York.

This check is converted into an order check by F. Meyer, and a cautious banker would require the indorsement from Sam Slick.



William Pitt  
 Pay to the order of  
 Sam Pick  
 J. Meyer

West Side Bank  
 New York

	No. 17 New York 6/11 1910
Pay to the order of Federal Reserve Bank New York, N.Y.	Amount Cash to John Stearns
Three hundred thirty five and 00/100	\$ 335.00/100

**CHECK No. 15.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of James Smith, Treas. (\$20), Twenty Dollars. John Straton. *Indorsement.*—Pay to Frank Harris, Smith Mfg. Co., Jas. Bell, Prest; Pay to John Doe, Frank Harris, by Jones.

The indorsement upon this check is entirely irregular. We have no right to assume that there is any connection between Smith Manufacturing Company, James Bell, president, and James Smith, treasurer, the payee. The indorsement of "Frank Harris, by Jones," is also irregular. As regards the indorsement of John Doe: It is entirely missing and should be obtained before paying.

New York 2710 1899 No. 5

**THE SHARBOARD NATIONAL BANK**  
OF THE CITY OF NEW YORK

Pay to the order of James Smith Cash \$20.00/-  
Twenty 00/- Dollars

Geo. Stanton

PRINTED BY THE NATIONAL BANK NOTE & COINAGE COMMISSION

Pay to  
Francis Harris  
Smith Mfg Co.  
Jas. Bell  
Pres.

Pay to  
John Doe  
Francis Harris.  
by Jones

### CHECK No. 16.

*Face.*—The Seaboard National Bank: Pay to the order of Fletcher Jones (\$3,000) Three Thousand Dollars. Justin Conklin. *Indorsement.*—Pay to the order of Saco National Bank, Fletcher Jones; Pay to the order of 1st National Bank, New York; Saco National Bank without recourse; 1st National Bank, N. Y.

The only peculiarity about the paper in question is the indorsement of the Saco National Bank, "without recourse." In view of the fact, however, that the First National Bank, of New York, a responsible institution, has seen fit to indorse the paper, the paper should be paid, as the words "without recourse," added to the indorsement of the Saco National Bank, would not relieve the First National Bank or Fletcher Jones of responsibility.



Pay to the  
order of  
Saco Nat Bk  
Fletcher Jones

Pay to the order  
of First Nat Bank  
New York  
Saco Nat Bank  
Without recourse

First Nat Bank  
N.Y.

THE  
**Seaboard National Bank**

New York 720 1899 7020

Pay to the order of Fletcher Jones — \$ 3000.00  
Three thousands 00/100 Dollars  
Justin Cooper

Pay to the order of Fletcher Jones — \$ 3000.00

**CHECK No. 17.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of Jno. F. Aston & G. H. Aston (\$100) One Hundred Dollars. John Davis. *Indorsement.*—Jno. F. Aston & G. H. Aston; Pay to Garfield National Bank, George Henry; Yorkville Bank, New York.

The first indorsement, "Jno. F. Aston, G. H. Aston, by Jno. F. Aston," is entirely irregular, and should be returned for the indorsement of each individual. The indorsement of the Garfield National Bank is also missing, and the check should be returned before paying.

New York, \_\_\_\_\_

10/30 1899

No. 15

THE SEABOARD NATIONAL BANK

of the City of New York

PAY TO THE ORDER OF

One of Aston & Co. \$100.00/-

Dollars

John Moore

U. S. MAR. 1891, 2nd 300,000,000, 11 V

Jno. F. Aston &  
G. H. Aston  
by Jno. F. Aston

Pay to  
Garfield Natl Bk  
George Henry

Yorkville Bank  
New York

**CHECK No. 18.**

*Face.*—The Seaboard National Bank, of the City of New York: Pay to the order of Bradley Supply Company (\$80) Eighty Dollars. Sharp & Dowd. *Indorsement.*—Bradley Supply Co.; Pay to Mrs. Alice Finlay, John Bradley, Manager; Alice Finlay; Sharp & Dowd.

This is a proper indorsement if so written by an authorized person. But if such indorsement is unknown to the paying bank, the paper should only be cashed or paid upon the strength of a responsible indorsement. The indorsement of "Alice Finlay," without prefixing the Mrs., is immaterial; otherwise the check is regular.



New York. 10/5 1899 No. 13

**THE SEABOARD NATIONAL BANK**  
of the City of New York.

PAY TO THE ORDER OF

Bradley Supply Co. \$ 80.00

Sharp & Doud Dollars

F. S. VAN NORD, 243 BROADWAY, N.Y.

Bradley Supply Co  
Pay to Mrs.  
Alice Fulay  
John Bradley  
Manager  
Alice Fulay  
Sharp & Doud

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BY

NATHAN A. GIBBS

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## American Institute of Bank Clerks

25 Pine Street, New York City.




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